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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Swift et al.

Art Unit : 2872

Serial No. : 10/815,967

Examiner : Robinson, Mark A.

Filed : March 31, 2004

Title : MICROSCOPE WITH ADJUSTABLE STAGE

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed August 3, 2005, applicant elects Invention I including claims 1 and 8.

Notwithstanding the above election, the applicant respectfully traverses the restriction. In particular, the applicant submits that Invention II is not distinct from Invention I. The Examiner states that Invention II as set forth in claim 2 is drawn to a microsocpe with the specifics of the secondary stage height adjuster and releasable stage. The applicant points out that a microscope with a secondary stage height adjuster and a releasable stage is recited in claim 1. Accordingly, Invention I should also include claim 2.

Second, the Examiner states that Invention IV as set forth in claims 6 and 7 is drawn to a microscope with specifics of the secondary stage height adjuster and light source. The applicant points out that a microscope with a secondary stage height adjuster and a light source [referred to as an "illuminator" in the 6th limitation] is recited in claim 1. Accordingly, Invention I should also include claims 6 and 7.

Applicant therefore respectfully submits that Invention I include at least claims 1, 2 and 6-8.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 1, 2005

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Applicant : Swift et al.
Serial No. : 10/815,967
Filed : March 31, 2004
Page : 2 of 2

Attorney's Docket No.: 00565-073001

If the Examiner agrees with the applicant's submissions, then the applicant hereby withdraws claims 3-5 and 9-23. If the Examiner disagrees with the applicant's submissions, then the applicant hereby withdraws claims 2-7 and 9-23.

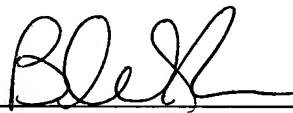
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Respectfully submitted,

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Sept 1/05



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